

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

11/12/00
In re the application of) Examiner: S. Jackson
Inventors: Lau, et al.) Group Art Unit: 3738
U.S. Serial No. 09/135,222) Docket No. ACS-49063 (3808.2)
Filed: August 17, 1998) VIA FAX: 703-308-2708
For: EXPANDABLE STENTS AND) Los Angeles, California
METHOD FOR MAKING SAME) January 12, 2000

TERMINAL DISCLAIMERVIA FACSIMILE 703-308-2708

Attn: Examiner S. Jackson

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JAN 12 2000

GROUP 3300

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

The owner, Advanced Cardiovascular Systems, Inc., of 100% interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior U.S. Patent No. 5,514,154, filed July 28, 1994. The owner hereby agrees that

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01 FC:148 any patent so granted on the instant application shall be enforceable only for and during such period
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that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

Pursuant to 37 C.F.R. § 1.20(d), please charge our Deposit Account No. 06-2425 in the amount of \$110.00 for the terminal disclaimer fee. A duplicate of this letter is enclosed.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

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Serial No. 09/235,222

Docket No. ACS-49063 (3808.3)